

Attorney Docket: PU030043
Serial No: 10/564,253

PU030043
Customer No. 24498

Remarks/Arguments

The Office Action mailed July 24, 2008 has been reviewed and carefully considered.

Claims 1, 7 and 8 have been amended. Claims 1-14 remain pending in this application.

Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claims 1, 5-8 and 13-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Aaltonen et al (USP 7,236,771) in view of Sibley (US 2001/0053700).

In asserting this rejection again, the Examiner has disagreed with the applicant's arguments presented in the response dated April 15, 2008.

Applicant respectfully requests reconsideration in view of the amendments to the claims and the following remarks. The patent to Aaltonen et al. describes a broadcast network 1, having a plurality of transmitters 11a-11c for broadcasting video content to a mobile terminal 3. The wireless connection between the transmitters 11 and the mobile device 3 is arguably related to the video channel of the claimed invention. However, contrary to the Examiner's position, the return channel 23 of Aaltonen et al. is not analogous to the data channel of the claimed invention. Aaltonen et al. teaches very specifically that the return channel 23 is a uni-directional communication link between the mobile device 3 and the broadcast network 1 (see Col. 1, line 66 – Col. 2, line 54). Throughout the description of Aaltonen et al., it is clear that the return channel 23 is not a bi-directional communication channel, and is specifically designed for the mobile user 3 to send specific requests to the broadcast network 1. In addition, this channel is clearly not wireless and does not deal with access points connected to a separate Data LAN that is distinct from the video LAN. In fact, Aaltonen et al. fails to disclose or suggest the concept of a separate data LAN.

Along these lines, applicant has amended independent claims 1, 7 and 13 to reflect the wireless and bi-directional aspect of the separate data channel. More specifically, claim 1 has been amended to recite, *inter alia*, "...broadcasting the video on a video channel having an RF carrier frequency different from a carrier frequency of a wireless data channel over which data is transmitted to and from an access point; and...". Claim 7 has been amended to recite, *inter alia*, "...a video broadcast network for broadcasting the video from the encoder on a video channel having a frequency different from a wireless data channel over which data is broadcast from an access point while maintaining the video channel in a broadcast-only

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mode, thereby precluding a subscriber from uplinking information on the video channel.”
Claim 13 has been amended to recite, *inter alia*, “...providing a bi-directional wireless data channel for a data LAN separate and distinct from the video LAN and in communication with the mobile communication device.” Aaltonen et al. taken singly or in combination with any of the other cited references fails to disclose or remotely suggest these features of the claimed invention. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 2-4, 9-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Aaltonen et al (USP 7,236,771) in view of Sibley (US 2001/0053700) in further view of Benveniste (US 2003/0174690).

Claims 2-6, 9-12 and 14 depend on claims 1, 7 and 13, respectively. None of the Aaltonen et al., Sibley and Benveniste patents, alone or in any combination teach or suggest the features recited in newly amended claims 1, 7 and 13. Therefore, adding the features of the Sibley and Benveniste patents to the Aaltonen et al. patent would not yield all of the features in claims 1, 17 and 13, and claims 2-6, 9-12 and 14, respectively. Therefore, claims 2-6, 9-12 and 14, patentably distinguish over the art of record for the same reasons as claims 1, 17 and 13, respectively.

Conclusion

In view of the foregoing amendments to the claims and the accompanying remarks, applicants solicit entry of this amendment and allowance of the claims. If, however, the Examiner believes such action cannot be taken, the Examiner is invited to contact the applicants' attorney at (609) 734-6820, so that a mutually convenient date and time for a telephonic interview may be scheduled.

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It is believed that no fee is due with regard to the filing of this revised response;
however, if there is a fee due, please charge the amount due, to Deposit Account No. 07-
0832.

Respectfully submitted,
Guillaume Hichot

By: _____

Robert B. Levy, Attorney
Reg. No. 28,234
Phone (609) 734-6820

Patent Operations
Thomson Licensing LLC
P.O. Box 5312
Princeton, New Jersey 08543-5312
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